

# Wilby Neighbourhood Plan

## Post-Examination Decision Statement

Dated: 18 February 2021



## Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

### Summary

Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires the relevant local planning authority to decide what action to take in response each of the recommendations made by the Independent Examiner and to publish its decision on its website. This Decision Statement fulfills that purpose.

The submission draft Wilby Neighbourhood Plan has been independently examined by Janet Cheesley BA (Hons) DipTP MRTPI. In her final report, dated 16 November 2020, she set out a number of modifications and advised that subject to those being made, the Plan meets the Basic Conditions and can proceed to referendum. The Examiner also concluded that the referendum area should be the same as the Plan Area.

Following consideration of the Examiners Report at its meeting on 8 February 2021, Mid Suffolk Cabinet agreed to accept all of the modifications proposed. It further resolved, in light of the fact that the Parish Council had already modified their Plan in accordance with the Examiner's recommendations to the satisfaction of the Corporate Manager for Strategic Planning, that:

1. This Neighbourhood Plan be advanced to a local referendum covering the parish of Wilby and that that referendum be held as soon as the relevant regulations allow.

### Background

The Wilby Neighbourhood Plan has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended). The key stages are set out below:

- In December 2017, designation of the whole parish as a Neighbourhood Plan Area by the District Council, enabling the Parish Council, as the 'qualifying body', to prepare its Plan
- Publication by the Parish Council of their Regulation 14 Pre-submission draft Neighbourhood Plan for public consultation between 22 January and 12 March 2020
- In July 2020, formal submission of the draft Plan to the District Council, which was checked for compliance with the relevant requirements prior to being made available for public consultation between 12 August and 7 October 2020
- During October and November 2020, independent examination of the Plan by Janet Cheesley BA (Hons) DipTP MRTPI. The Final Exam Report was issued on 16 November 2020



The 'Basic Conditions' are set out in Paragraph 8(2), Schedule 4B the Town and Country Planning Act, 1990. In order to satisfy them a Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies contained in the Development Plan for the area of the authority; *and*
- not breach and be otherwise compatible with EU obligations and human rights requirements.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) also prescribes the following basic condition – '*The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).*'

The Wilby Neighbourhood Plan was subject to independent screening. This concluded that the need to undertake a Habitats Regulation Assessment was '*screened-out*' and, therefore, the making of the Plan is not likely to have any Likely Significant Effect on any Habitats Site, either alone or in combination with other plans and projects. The Council issued its formal Determination Notice on this matter in June 2020.

## **Decision**

The Wilby Neighbourhood Development Plan as modified to incorporate all of the modifications set out in the Independent Examiners Report dated 16 November 2020 complies with the 'Basic Conditions' as set out in Paragraph 8(2), Schedule 4B the Town and Country Planning Act, 1990 and should proceed to a local referendum.

The date of the Local Referendum will be announced separately.

A copy of the 'Referendum Version' Wilby Neighbourhood Plan (i.e. the version incorporating all of the required modifications) is published at the same time as this notice because it is both practical and sensible to do so.

## **References:**

1. Independent Examiners Report on the Wilby Neighbourhood Plan:

<https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Wilby-NP-Exam-Report.pdf><https://www.midsuffolk.gov.uk/assets/Neighbourhood-Planning/Drinkstone-NP-Exam-Report.pdf>

2. Report to and Minutes of Mid Suffolk Cabinet Meeting held on 8 February 2020 [Report number MCa/20/33 Wilby Neighbourhood Plan refers]:

<https://baberghmidsuffolk.moderngov.co.uk/ieListDocuments.aspx?CId=522&MId=2718>